

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DESMOND WITHERSPOON, : Civil Action No. 15-719 (SRC)
Plaintiff, :
v. : OPINION
STATE OF NEW JERSEY, :
Defendant. :

CHESLER, District Judge

This matter comes before the Court on the application filed by Plaintiff Desmond Witherspoon to proceed in forma pauperis without fees under 28 U.S.C. § 1915. The Court finds that Plaintiff qualifies for in forma pauperis status, yet his Complaint will be dismissed. The Court must examine Plaintiff's claim and dismiss it if frivolous or legally insufficient. 28 U.S.C. § 1915(e)(2). Here, Plaintiff demands remedies based on a cause of action of "NJSAC 2C: 5-1." No further information is provided. Title 2C of New Jersey Annotated Statutes is the New Jersey Criminal Code. No plaintiff has a private right of civil action under the New Jersey Criminal Code. As such, Plaintiff has failed to state a basis for federal subject matter jurisdiction, and he has failed to state a facially plausible claim for relief. For the reasons provided in the Opinion for Civil Action No. 14-6296, Plaintiff is on notice that he may be sanctioned if he continues to file unsubstantiated and repetitive lawsuits. An appropriate Order will be filed.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: February 4, 2015